

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELSEY L. PETERSON,

Defendant.

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8:07CR396

ORDER

This matter is before the court on the defendant's motion to continue trial [22]. For good cause shown, the court finds that the deadline for filing pretrial motions should be extended to February 29, 2008 and a final trial date will be set by further order.

IT IS ORDERED that the motion [22] is granted, as follows:

1. The deadline for filing pretrial motions is extended to **February 29, 2008**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 4, 2008 and February 29, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. The trial now set for January 22, 2008 is cancelled. A final trial date will be set after February 29, 2008 or the resolution of any substantive pretrial motions, whichever is later.
4. Defendant shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, no later than **January 11, 2008**.

DATED January 4, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**